

REMARKS/ARGUMENTS

This is response to the Official Action mailed July 16, 2007 for the above-captioned application. Reconsideration of the application as amended is respectfully requested.

Applicants request an extension of time sufficient to make this paper timely, and enclose the fee.

Applicants have made amendments to claims 24 and claim 3 and have canceled claim 6.

The amendment to claim 24 incorporate the limitations of claim 6 into this claim and further clarify the invention. These amendment and those to claim 3 are also made to overcome the rejection of claims 3 and 4 with respect to antecedent basis. Thus, the claims as amendment are believed to overcome the rejection under 35 USC § 112, second paragraph. In addition, claim 24 has been amended to specify that the sides referred to are lateral sides (not a front edge) and that the movement of the reel carrier is lateral.

Claims 3-8, 13 and 24 stand rejected under 35 USC § 103 as obvious over the combination of Gray and Tremblay. The Examiner argues that Gray shows a containment device meeting all of the limitations of the claims, except that it is incorporated into a child safety car seat rather than a stairlift chair. Tremblay teaches a stair lift chair with the seat belt. The Examiner argues that placing the containment device of Gray in a stairlift chair would have been obvious. Applicants respectfully disagree.

As a first matter, Gray does not teach all of the elements of the containment device of the present claims. The Examiner has chosen to interpret the term "side" as meaning any edge, even though it is apparent from the specification that the term as used in the specification means a lateral side (see Figures) and not a front and back side. Nevertheless, claim 24 has been amended to specify lateral sides and lateral displacement of the reel carrier.

Furthermore, a child restraint with the configuration taught in Gray is not an appropriate starting point for the design of stairlift chairs because the two types of devices serves different needs and belong to different arts. Child safety seats are designed for persons totally dependent on outside assistance, and indeed may be configured to make outside assistance mandatory so that somewhat older children cannot release themselves from the seat. Stairlift chairs on the other hand are used by person who have some degree of infirmity but who generally desire to maintain the greatest degree of independent possible. This distinction in goals is important to keep in mind when determining what would have been obvious.

The seat belt of Tremblay is a conventional seat belt, much like that found in a car. The seat belt has a buckle which is passed over the occupant's waist and engaged into a fixed socket on the opposite side of the chair. It is not uncommon for stairlift users to have a loss of dexterity

which makes it awkward or impossible for them to locate the locking tab of the seat belt buckle into the locking socket. As a consequence, the seatbelt is often ignored, resulting in a safety issue. Tremblay addresses this safety issue, but does not do so with an engagement arrangement which makes the seat belt any easier to use.

Gray does disclose a form of seat belt which provide a moveable carrier reel, but it is disclosed for use in a child safety seat. The arrangement of Gray, however includes a large abdominal shield which is affixed at the from edge of the chair, between the child's legs, after the belt is passed over the child's head. Such an arrangement would be wholly unsuited for a stairlift user, who might well have difficulties lifting their arms up to pass the seat belt over their head, and would almost certainly find a strap between their legs to be unacceptable and potentially immodest.

In contrast, the reel carrier in the stairlift chair of the present invention is capable of lateral displacement between two lateral sides of the chair, for example on the armrests of the stairlift chair (Claims 10-12). It provides a user-acceptable safety device with enhanced ease of engagement do to the positioning of the fixing point and also due to the size and shape of the housing and the integral nature of the fixing component.

Accordingly, Application submit that the invention of claims 3-8, 13 and 24 is not obvious over the combination of Gray and Tremblay, and that the rejection should therefore be withdrawn.

The Examiner rejected claims 5, 6, 10-12 and 24 as obvious over the combination of Tremblay and Nicholas. Nicholas discloses a seat belt retractor which can be fixed or moving. It does not, however, disclose or suggest that the seat belt locking mechanism should be integral with the retractor body as set forth in amended claim 24. Indeed, Nicholas does not specifically disclose any details of such a traveling retractor. Accordingly, Applicants submit that the invention as claimed in clamis 5, 6, 10-12 and 24 is patentable over the cited combination of references and that the rejection should be allowed.

Finally the Examiner rejected claim 19 as obvious over Tremblay in view of Stevenson. Claim 19 relates to the embodiment of the invention as shown in Figs. 10 A and B in which there is both a lap belt and a shoulder belt. Claim 19 is amended to clarify the position of the attached ends and to clarify that the attachment of reel carrier is on a lateral side opposite the side where the belt is attached. Addition of the device of Stevenson in a Tremblay stairlift to make is suitable for child use would not achieve this result. Neither of the shoulder belts would be fixed to the chair and the end of the lap belt would not be fixed to the reel carrier. Rather, the Tremblay belt would be fixed in its position to one side and with the middle of the belt passing over the padded shield in the position of seat belt S in Stevenson. This is not the claimed invention, and therefore the obviousness rejection of claim 19 should be withdrawn.

In view of the foregoing, Applicants submit that this application is now in form for allowance. Favorable reconsideration and allowance of all claims are respectfully urged.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marina T. Larson", followed by a long horizontal flourish.

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